



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,787	01/26/2000	Andrew T Wilson	INTL-0317-US (P8000)	9051
7590	06/15/2005		EXAMINER	
Blakely Sokoloff Taylor & Zafman, LLP 1279 Oakmead Parkway Sunnyvale, CA 94085-4040			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/491,787	WILSON ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment of 2/7/05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2616

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to amended claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 7-13, 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) in view of Butler (US 2002/0007493).

Regarding claims 1-2, 7-12, 17-30, the examiner incorporates by reference the detailed actions against the claims and will address the amended claims with respect to the added claim language with respect to arguments presented.

Art Unit: 2616

All independent claims 1, 11, 21, 27, 29 have been amended to further recite,

"storing a copy of web content with the associated video information" and storing the enhanced content information for subsequent access thereto after the broadcast", claim 1;

Mankovitz is deemed to pull the web content upon the user selecting the PRI, but, does not specifically mention subsequent arbitrary access at a later time without downloading again or sometimes referred to as caching or to cache, in this case for later use or arbitrary.

Butler at page 5, teaches the concept of having control data such as timing parameters col. 1, hyperlink overlays in relation to the video and

"Note that supplemental files are sent prior to the time they will be needed, taking data transmission speed into account", "HTML compatible browser, to render the object defined by the supplemental data file", while col. 2, states,

"Also note that even with broadcast sources, the transmission of supplemental data files does not have to take place concurrently with transmission of video streams. Rather, in some systems it might be desirable to broadcast overlays files during the night to user equipment for use the following day", reference Fig. 5, "HTML FILES and Control Files", or control data, overlays and supplemental files, therefore, storage of the web content, can be done the night before, depending upon the systems of implementation, wherein as those skilled in the art realize, based on taking transmission speed into account, infers to latency and as those skilled in the art realize by storage of web content, the content would not be required to be downloaded every time interacted with, would speed rendering by eliminating the need to access the WEB for the content, but, merely pulling from storage, as is obvious to those skilled in the art, thereby having arbitrary access after storage, such as the next day, as taught by Butler.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Mankovitz by downloading or storing a copy of the web content, after the broadcast, allowing for utilization or arbitrary access, rather than having to pull every time the user interacts with a URL link, thereby the WEB content can be pulled from storage, thereby eliminating delays or other access issues to the web content, at later times, as taught by Butler.

Art Unit: 2616

The examiner incorporates by reference the rejection of claims 3, 13, 26, since the claims are original.

4. Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) and Butler (US 2002/0007493) in view of Blackketter (6,414,438).

The examiner incorporates by reference the rejection of claims 4-6 and 14-16 and further renders obvious the new combination with Blackketter.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be faxed to:
(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
6/13/05


VINCENT BOCCIO
PRIMARY EXAMINER